

THIRTY-SECOND DAY

(Wednesday, March 10, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Mauritz.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Lemens was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Jones.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Lovelady.

Senate Resolution 53

(Address by Hon. Mark Marshall.)

Senator Aikin, by unanimous consent, offered at this time the following resolution:

Whereas, Hon. Mark Marshall, former director of the Motor Transportation Division of the Texas Railroad Commission is a visitor in the Capitol; and

Whereas, Mr. Marshall is always a most welcome guest; now, therefore, be it

Resolved, That Hon. Mark Marshall be invited to address the Senate and be extended the privileges of the floor for today.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

Accordingly, the Presiding Officer appointed Senators Aikin, Martin, and Metcalfe as a committee to escort Hon. Mark Marshall to the President's stand.

The committee performed the duty assigned it, and Senator Aikin presented Mr. Marshall who addressed the Senate briefly.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Moffett:

S. B. No. 274, A bill to be entitled "An Act for the purpose of providing necessary regulations for the control of the drilling and operation of oil and/or gas wells on the water shed of any and all reservoirs, lakes, and streams which constitute the source of water supply of any incorporated city or town in the State of Texas and safeguard same from pollution or contamination by reason of salt water and/or oil from such wells, and prohibiting the dumping of salt water and/or oil from evaporating pits, dykes, levees or other sources whatsoever therefrom in any manner calculated to pollute or contaminate same; defining the term 'watershed' as used in this Act; providing for the proper inspection of all such wells so located on such watersheds of such cities and towns of the State of Texas through their duly authorized agents or representatives, in order to ascertain the condition of such wells; prohibiting dead animals of any kind from being buried on such watershed or otherwise disposed of in any manner that will in any way pollute the waters of such lake, reservoir, or stream which constitutes the source of such water supply of said cities or towns and prohibiting the use of surface toilets on such watersheds, except a type of toilet specified and approved by the State Board of Health prescribed for use and regulating same; providing a savings clause; providing a penalty for violation of the provisions thereof; and declaring an emergency."

To Committee on State Affairs.

By Senator Bullock:

S. B. No. 275, A bill to be entitled "An Act amending Section 12, Chapter 271, General Laws of Forty-second Legislature, Regular Session, providing for a rental payment of \$.10 per acre, to accompany each mineral prospect permit application; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Ramsey:

S. B. No. 276, A bill to be entitled "An Act to be known as the 'Texas Package Store Act'; fixing a rule of construction; providing a savings clause; defining certain terms; creating the 'Texas Package Store Board'; designating the Chairman of the Board; providing the method and manner of meeting and transacting business; fixing Austin, Texas as the office of the Board; designating the Comptroller of Public Accounts as Secretary of the Board and outlining his duties; prohibiting persons having any financial interest in any liquor business and persons having been convicted of any violation of the liquor laws from being employed by the Board; prohibiting any members of the Board or any employee thereof from receiving any commission from, or having any personal interest in, purchases or sales authorized by the Act; outlining duties of the Board; granting authority to the Board for the establishment of 'Texas Package Stores'; providing stores may not be established in certain areas; authorizing the retail sale of distilled liquor in unbroken and sealed containers for consumption off the premises; prohibiting the sale of distilled liquors to certain persons; providing for 'Liquor Purchase Permits'; prescribing a fee for such permits and designating certain persons who may not receive such permits; authorizing the Board to make such regulations as it may deem necessary; prescribing certain regulations which may be made by the Board; providing for expiration of permits on order of the Board; granting time for permit holders to adjust their affairs before the taking effect of expiration of permits; allocating funds collected under the Act; appropriating the sum of Two Hundred and Fifty Thousand (\$250,000) Dollars, or so much thereof as may be necessary for the enforcement and administra-

tion of the Act; providing for the auditing of the transactions of the Board; providing for copies of the audit to be furnished the Governor and the Board; providing for annual reports of the Board, such reports to be available for inspection; prescribing a penalty for violation of the Act; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Ramsey:

S. B. No. 277, A bill to be entitled "An Act authorizing agreements for cooperative development of discovered or undiscovered oil fields, or oil and gas fields, authorizing fiduciaries of estates to enter into such agreements; and declaring an emergency."

To Committee on Oil, Gas, and Conservation.

By Senator Martin:

S. B. No. 278, A bill to be entitled "An Act to clarify and amend the laws of Texas relating to dentistry by amending Articles 4544, 4546, 4550a, 4551a, of the Revised Civil Statutes of Texas, 1925, as added or amended by Sections 2, 4, 8, and 10, of Chapter 244, General and Special Laws of the Regular Session of the Forty-fourth Legislature of Texas; amending Articles 753, 754 and 754a of the Penal Code of Texas, 1925, as added or amended by Sections 17 and 18 of Chapter 244 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature of Texas; repealing Section 7 of Chapter 501 of the General and Special Laws of the Regular Session of the Forty-fifth Legislature of Texas; providing for possible legal construction and declaring the legislative intent with respect to this Act; providing fees and penalties and repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Public Health.

By Senator Vick:

S. B. No. 279, A bill to be entitled "An Act making specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by Mrs. J. W. Taylor, a widow, against the State of Texas, under the authority of H. C. R. No. 39, passed by the Legislature in March, 1937, which authorized her to sue the State

of Texas for the recovery of damages resulting from the overflow of her land, arising out of the construction of the highway loop around the City of Waco, McLennan County; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of Mrs. J. W. Taylor in the sum of \$1,500.00, and in favor of the Clerk of the Court of Civil Appeals at Waco, Texas, in the sum of \$274.80, and in favor of R. V. McClain, Clerk of the District Court of McLennan County, in the sum of \$307.85 court costs; and declaring an emergency."

To Committee on Finance.

By Senator Lovelady:

S. B. No. 280, A bill to be entitled "An Act to provide that insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may pay from the mortuary funds any taxes assessed against them because of income to such funds; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Insurance.

By Senator Sulak:

S. B. No. 281, A bill to be entitled "An Act providing that it is unlawful for any person, firm, corporation or association of persons, to reproduce, print or prepare or to sell or furnish any printed, multigraphed or mimeographed list or lists prepared by or under the direction of the Commissioner of the General Land Office of the State of Texas, offering for sale or lease any State or Public school land, and providing a penalty therefor, provided nothing therein shall prohibit the Commissioner of the General Land Office or the School Land Board from advertising in newspapers or otherwise as is provided by law; and declaring an emergency."

To Committee on Public Printing.

By Senator Hazlewood:

S. B. No. 282, A bill to be entitled "An Act adding a new Article to Chapter 10, under Title 83, entitled Labor, of the Revised Civil Statutes of the State of Texas of the Year 1925 Codification providing for maximum fees that may be charged for persons joining labor unions in Texas; providing for certain penalties for

members of labor unions for striking or ceasing to work without being duly authorized by the duly constituted authorities of the union of which they are members; providing for certain penalties for any person or persons making false and fraudulent promises in order to induce persons who are not members of a union to become union members of labor organizations in Texas; and amending Article 5186 of the Revised Civil Statutes of the State of Texas under Title 83, Chapter 10, entitled Labor, to provide for the referring by the Governor, by proclamation, controversies between employers and employees of organized groups as well as any misconduct or irregularity with reference to the charging of exorbitant or duplicate initiation fees where the same is a matter of public concern; and declaring an emergency."

To Committee on Labor.

Reports of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 251, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed, and be not otherwise printed.

WEINERT, Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 273, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 272, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 635, Relating to the assessing and collecting of taxes in certain counties under condemnation proceedings.

H. B. No. 264, A bill to be entitled "An Act repealing the Employment Agency Law as passed by the Thirty-eight Legislature in 1923 and amended by the Forty-fifth Legislature, Second Called Session, 1937, being Article 5208 through Article 5221, R. C. S., and Articles 1584 through Article 1593, P. C., Vernon's Texas Statutes, and repealing the Emigrant Agency Law as passed by the Forty-first Legislature, Second Called Session, 1929, being Article 5221a and Article 7047, R. C. S., and Article 1137d, P. C., etc.; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act amending Article 2075 of the Revised Civil Statutes of Texas, 1925, providing for a change in the taxing of stenographers fees as costs in civil cases where no record or any part thereof is made of such case, and declaring an emergency."

H. B. No. 197, A bill to be entitled "An Act amending Chapter 41, First Called Session of the Fortieth Legislature, as amended by Paragraph 1, Page 346, Acts of the Forty-sixth Legislature; etc.; and declaring an emergency."

S. C. R. No. 29, Recalling S. B. No. 137 for correction.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Message from the Governor

The following message from the Governor was received, read by the Secretary and referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 10, 1943.

To the Senate of the Forty-eight Legislature:

I ask the advise, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Education, terms expiring January 1, 1949:

M. A. Childers of San Antonio, Bexar County;

Fred Wemple of Midland, Midland County;

Clyde W. Hanks of Palestine, Anderson County.

To be Member of the State Board of Education to fill the unexpired term of Honorable Joe Frost, resigned, term to expire January 1, 1947:

Dr. Austin M. Long of Valley Mills, Bosque County.

To be Member of the State Board of Education to fill the unexpired term of Honorable Max Junker, resigned, term to expire January 1, 1945:

Herman C. Custard of Cleburne, Johnson County.

To be Members of the Board of Regents, State Teachers Colleges, terms to expire January 1, 1949:

H. L. Mills of Houston, Harris County;

S. A. Kerr, Jr., of Jacksonville, Cherokee County;

Newton S. Harrell of Claude, Armstrong County.

To be Member of the State Board of Hairdressers and Cosmetologists, term to expire August 9, 1947:

Mrs. Lillie Stone of Commerce, Hunt County.

To be Members of the State Board of Medical Examiners for six year terms expiring April 13, 1949:

Dr. S. T. Pulliam of Houston, Harris County;

Dr. M. M. Brown of Mexia, Limestone County;

Dr. G. M. Stephenson of Cisco, Eastland County;

Dr. Will E. Watt of Austin, Travis County.

To be Members of the State Board of Nurse Examiners for six year terms expiring April 9, 1949:

Mrs. Eloween Mesch of San Antonio, Bexar County;

Sister Antonia O'Donahue of Dallas, Dallas County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

(Senator Lovelady in the Chair.)

Election of President Pro Tempore

Senator Moore moved that the Senate do now proceed, in accordance with Section 9 of Article III of the Constitution, to elect a President pro tempore to serve until the return of President pro tempore Lemens.

The motion prevailed.

Senator Moore nominated Honorable Fred Mauritz of Jackson County to be President pro tempore of the Senate until the return of President pro tempore Lemens to the Senate Chamber.

There being no further nomination, Senators Aikin, Hazlewood, and Lanning were appointed to take up and count the ballots.

The ballots were taken up and counted, and the result announced as follows:

Honorable Fred Mauritz received 26 votes.

Accordingly, Honorable Fred Mauritz was declared elected President pro tempore to serve until the return of Senator Lemens.

Senators Moore, Vick, and Stone were appointed as a committee to escort Honorable Fred Mauritz to the President's desk.

The committee preformed the duty assigned it; and Honorable Fred Mauritz took the constitutional oath of office, which was administered by the Secretary of the Senate.

Having been presented by Senator Moore, President pro tempore Mauritz then addressed the Senate and thanked the Senators for the honor conferred upon him.

(President pro tempore Mauritz in the Chair.)

Senate Bill on First Reading

By unanimous consent, the following bill, at this time, was introduced, read first time, and referred to the committee indicated:

By Senators Chadick and Lane:

S. B. No. 283, A bill to be entitled "An Act to validate orders of the Railroad Commission of Texas heretofore entered granting permits to drill wells for oil and/or gas as exceptions to Rule 37 of the Rules and Regulations of the Railroad Commission of Texas relating to the spacing of oil wells, providing for production from such wells; and declaring an emergency."

To Committee on Oil, Gas, and Conservation.

Senate Concurrent Resolution 31

Senator Chadick offered the following resolution:

S. C. R. No. 31, Inviting Madame Chiang Kai-Shek to address a joint session of the Texas Legislature.

Whereas, It is understood that the noted Madame Chiang Kai-Shek will be in Texas in a short time; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That she be invited to address a joint session of the Legislature at a convenient time and that a committee of three Members of the Senate and three Members of the House be directed to extend an invitation to Madam Chiang Kai-Shek to deliver such address and arrange the date and time for said address.

CHADICK,
MOORE.

The resolution was read, and on motion of Senator Chadick, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Address by Senator Spears

Senator Moffett moved that Senator Spears be requested to address the Senate at this time.

The motion prevailed.

Accordingly, the President pro tempore appointed Senators Moffett, Graves, and Moore to escort Senator Spears to the President's desk.

Senator Moffett, at the request of the President pro tempore, presented Senator Spears, who addressed the Senate briefly.

Motion to Take up House Bill 159

Senator Aikin moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 159 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the Senate's entire membership):

Yeas—21

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Graves	Spears
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	York
Lovelady	

Nays—4

Moore	Weinert
Shivers	Winfield

Absent

Martin

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

House Bill 171 on Second Reading

Senator Winfield moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 171 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Graves
Beck	Jones
Brownlee	Lane
Bullock	Lanning
Chadick	Lovelady

Martin	Spears
Mauritz	Stone
Metcalf	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York
Shivers	

Absent

Hazlewood

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 171, A bill to be entitled "An Act to amend Articles 7005 and 7008, Chapter 7, Title 121 of the Revised Civil Statutes, placing the Counties of Zavalla and Dimmit among the exempted counties from the provisions of Chapter 7; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 171 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 171 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

House Concurrent Resolution 59

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 59, Requesting the War Production Board to approve application for construction of steel plant at Daingerfield, Texas.

The resolution was read and was adopted.

Report of Standing Committee

Senator York, by unanimous consent, submitted the following report:

Austin, Texas,
March 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to whom was referred H. B. No. 537, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

YORK, Vice Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

The House refused to adopt the Conference Committee report on S. B. No. 24, and requests that the conferees further consider S. B. No. 24.

S. B. No. 45, A bill to be entitled "An Act amending Articles 3244, 3284 and 3245 of Title 51, Chapter 3, of the Revised Civil Statutes of 1925 so as to change the method of filing application for admission to State Tuberculosis Sanatorium, and repealing Article 3247 of the Revised Civil Statutes of 1925; and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to repeal H. B. No. 12, Acts of the First Called Session of the Forty-fifth Legislature of the State of Texas; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 54

(Address by Major General Birkhead.)

Senator Spears, by unanimous consent, offered at this time the following resolution:

Whereas, Major General Claude V. Birkhead, former Commander of the 36th Texas National Guard Division, is present at the door of the Senate; now, therefore, be it

Resolved, That this distinguished Texan be invited to address the Senate, and that the privileges of the Senate floor be extended to him, and a committee be appointed to escort Major General Birkhead to the President's desk.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President pro tempore appointed Senators Spears, Aikin, and Vick as a committee to escort Major General Birkhead to the President's stand.

The committee performed the duty assigned it, and, at the request of the President pro tempore, Senator Spears presented Major General Birkhead to the Senate.

General Birkhead then addressed the Senate.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 635, to Committee on Public Lands and Land Office.

H. B. No. 144, to Committee on State Affairs.

H. B. No. 197, to Committee on Public Health.

H. B. No. 264, to Committee on State Affairs.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senators Martin and Brownlee:

S. B. No. 284, A bill to be entitled "An Act relating to appeals from rules, orders, or decisions of administrative bodies, repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Joint Resolution on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senators Aikin and Metcalfe:

S. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article XVI, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the

submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

Senate Resolution 55

(Address by Hon. Morris Roberts.)

Senator Moore, by unanimous consent, offered the following resolution:

Whereas, A distinguished former Member of this body, Hon. Morris Roberts, is in the gallery; therefore, be it

Resolved by the Senate of Texas, That he be given the privileges of the floor for the day.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President pro tempore appointed Senator Moore to escort Hon. Morris Roberts to the President's stand.

The President pro tempore presented Hon. Morris Roberts, who addressed the Senate briefly.

Committee Substitute House Bill 79 on Second Reading

Senator Winfield moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 79 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

The President pro tempore laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 79, A bill to be entitled "An Act to accomplish the constitutional directive expressed in Article XVI, Section 16, by authorizing the incorporation of corporate bodies with banking and discounting privileges, and providing for a system of State supervision, regulation and control of banks and other financial institutions placed under the supervision of the Banking Department, to the end that all depositors and creditors of such bodies shall be adequately protected and secured. To accomplish which general purpose Title 16 of the Revised Civil Statutes of Texas of 1925 is repealed."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend substitute for H. B. No. 79 by striking out all of Article 1, Chapter 2, page 7 of the printed substitute and inserting in lieu thereof the following:

"By and with the advice and consent of the Senate the Governor shall appoint a Banking Commissioner who shall serve for a period of two years and whose term of office shall be concurrent with that of the Governor. The Commissioner shall be a practical banker with not less than five years experience within ten years prior to his appointment. The compensation of the Commissioner shall be as fixed in the Departmental Appropriation Bill."

Senator Winfield moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12

Hazlewood	Ramsey
Lane	Shivers
Martin	Stone
Mauritz	Weinert
Metcalf	Winfield
Morris	York

Nays—14

Aikin	Lanning
Beck	Lovelady
Brownlee	Moffett
Bullock	Moore
Chadick	Spears
Graves	Sulak
Jones	Vick

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

Senator Moore moved the previous question on the amendment, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Senator Ramsey moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Shivers raised a point of order against consideration of the motion to adjourn at this time, on the ground that after the motion for the previous question has been made and duly seconded by five Members, no other business may be transacted or motion made until the Senate votes on the question of ordering the main question.

The President pro tempore sustained the point of order.

The Senate refused to order the main question at this time by the following vote:

Yeas—9

Beck	Lovelady
Brownlee	Moffett
Chadick	Moore
Graves	Sulak
Lanning	

Nays—17

Aikin	Ramsey
Bullock	Shivers
Hazlewood	Spears
Jones	Stone
Lane	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Morris	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	

Question—Shall the amendment by Senator Aikin be adopted?

Request of House Granted

Senator Lovelady moved to grant the request of the House that the differences between the two Houses on S. B. No. 24 be recommitted to the Conference Committee previously appointed to adjust said differences.

The motion prevailed.

Senate Resolution 56

(Address by Hon. Will D. Pace.)

Senator Chadick, by unanimous consent, offered the following resolution:

Whereas, Hon. Will D. Pace, former distinguished Member of the Senate is in the Capitol; and

Whereas, Senator Pace during his service endeared himself to the Members of the Senate and is always welcome; now, therefore, be it

Resolved, That Senator Pace be invited to address the Senate and that he be extended the privileges of the floor for today.

CHADICK,
MOORE,
VICK.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President pro tempore appointed Senators Chadick, Lane, and Vick as a committee to escort Hon. Will D. Pace to the President's stand.

The committee performed the duty assigned it, and Senator Chadick presented Honorable Will D. Pace, who addressed the Senate briefly.

Bills and Resolutions Signed

The President pro tempore signed, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 225, A bill to be entitled "An Act to authorize the appointment and employment of a 'Night Chief Deputy' in addition to the first assistant or Chief Deputy now authorized, in the sheriff's office in all counties having a population of five hundred thousand (500,000) or more, according to the last preceding Federal Census, fixing the salary, the method and manner of making the appointment and employment, requiring two years prior service as deputy sheriff as a prerequisite to this appointment, etc.; and declaring an emergency."

H. B. No. 266, A bill to be entitled "An Act to amend Subdivision 36 of Article 199, Title 8 of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in

Aransas, San Patricio, Bee, Live Oak, and McMullen Counties, constituting the 36th Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act amending Article 3244, 3284 and 3245 of Title 51, Chapter 3, of the Revised Civil Statutes of 1925 so as to change the method of filing application for admission to State Tuberculosis Sanatorium, and repealing Article 3247 of the Revised Civil Statutes of 1925; and declaring an emergency."

H. C. R. No. 44, Authorizing S. T. Dunn and others to sue the State.

H. C. R. No. 58, Authorizing correction in enrolled copy of H. B. No. 241.

S. C. R. No. 29, Recalling S. B. No. 137 from the Governor and authorizing a correction therein.

Request to Re-refer House Bill 635

Senator Metcalfe asked unanimous consent that H. B. No. 635 be referred from the Committee on Public Lands and Land Office to the Committee on State Affairs.

The President pro tempore announced there was objection to the request.

Adjournment

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-THIRD DAY

(Thursday, March 11, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President pro tempore Mauritz.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Beck	Kelley
Brownlee	Lane
Bullock	Lanning
Chadick	Lovelady
Graves	Martin
Hazlewood	Mauritz
Jones	Moffett